

REMARKS

Entry of this amendment and reconsideration of this application, as amended, are respectfully requested.

It is not believed that the §112, second paragraph rejection apply to the presently pending claims.

Claims 22-36 were rejected under §102(h) or §103(a) over Suzuki. Applicants respectfully traverse.

In the material according to the invention the gradient formation takes place by controlling the cooling of the sintered body or through reaction of the surface with the provided atmosphere. This is a significant difference of the presently claimed invention with respect to the method and composition of Suzuki.

The hard material is now recited in the independent claim is SiC, which is present in globular form. the claims also specify a particle size of 1 to 5 microns and in a fraction of 5 to 20 vol%. Suzuki discloses silicon carbide as a hard material phase, however, Suzuki discloses that the SiC is in the form of "whiskers" at column 4, line 15.

Furthermore, Suzuki does not provide any specifics regarding the hardness of the material.

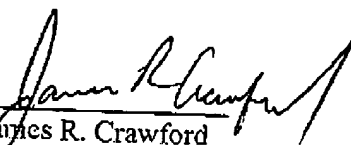
Since globular SiC is not disclosed by Suzuki, it is believed that for at least these reasons the rejections based on Suzuki should be withdrawn.

In view of the foregoing, allowance is respectfully requested.

The Commissioner is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 50-0624, under Order No. NY-DNAG-314-US.

Respectfully submitted

FULBRIGHT & JAWORSKI L.L.P.

By   
James R. Crawford  
Reg. No. 39,155

666 Fifth Avenue  
New York, New York 10103  
(212) 318-3000